

Motion granted 9/3/13. The Court orders that the bankruptcy trustee file an answer to the counterclaim within 20 days of the entry of this order.

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES  
DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAVID MOWDER,	)	<b>CASE NO. 1:13-CV-00082</b>
	)	
Plaintiff-Counterclaim-Defendant,	)	<b>JUDGE GWIN</b>
	)	
-vs-	)	<b>MAGISTRATE JUDGE BAUGHMAN</b>
	)	
PERMANENT GENERAL ASSURANCE	)	<b><u>MOTION TO REOPEN CASE AND</u></b>
CORPORATION OF OHIO, <i>et al</i> ,	)	<b><u>SUBSTITUTE REAL PARTY IN</u></b>
	)	<b><u>INTEREST</u></b>
Defendants-Counterclaim-Plaintiffs.	)	
	)	

Real Party Plaintiff-Counterclaim/Defendant, Ron Satija, the Trustee of the Bankruptcy Estate of David Mowder and Heather Lynette Mowder (“Mr. Satija” or “Trustee”), respectfully moves this Court for an Order: (i) reopening this statistically closed case; and (ii) substituting Mr. Satija, the “real party in interest” given his role as the Trustee of the Bankruptcy Estate, as the real party Plaintiff to prosecute this action “as if it had been originally commenced by” the Trustee pursuant to Fed. R. Civ. P. 17(a)(1) and 17(a)(3). On March 4, 2013, this Court statistically closed this matter subject to reopening upon written motion **by a party in interest**. See Order of Statistical Closing Due to Bankruptcy Stay [Doc. No. 25]. Mr. Satija is a party in interest. Furthermore, an Order has been issued by the Bankruptcy Court granting relief from the automatic stay. See Order Granting Relief from the Automatic Stay (attached hereto as Exhibit A).

Upon reopening, the Court should order the parties to prepare a Joint Status Report for the Court’s review; based on this Joint Status Report, the Court should issue a new scheduling order, including a deadline for Mr. Satija to respond to the pending Counterclaim filed by the Defendants. A proposed Order is attached hereto for the Court’s convenience as Exhibit C.